

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Norfolk and Windsor, Virginia))

MB Docket No. 05-150

RM - 11214

RECEIVED

JUN 30 2005

Federal Communications Commission
Office of Secretary

To: Office of the Secretary

Attn: Assistant Chief, Audio Division
Media Bureau

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MOTION FOR LEAVE TO FILE LATE COMMENTS

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of Stations WJCD(FM), Windsor, Virginia, and WKUS(FM), Norfolk, Virginia, by its counsel, hereby requests leave to file late Comments to the *Notice of Proposed Rule Making*, DA 05-767 ("NPRM"), in the above-captioned proceeding. The Comments, which are being filed separately, restate Clear Channel's expression of interest in applying for and constructing the modified facilities specified in the NPRM.

There is a considerable body of case law that supports the notion that the Commission has discretion to accept late filed Comments where there is no adverse impact on any other proposal. See e.g., *Willows, California*, 11 FCC Rcd 9180 (1996); *Bagdad and Chino Valley, Arizona*, 11 FCC Rcd 14459 (1996).¹ Based on Clear Channel's review of the record in this

¹ The Commission also found no prejudice to opposing parties in the following cases: *Horseshoe Beach and Otter Creek, Florida*, 13 FCC Rcd 12703 (1998); *Weaverville, California*, 12 FCC Rcd 2965 (1997); *Lake Havasu City, Arizona*, 10 FCC Rcd 6522 (1995); *Christiansted, Virgin Islands*, 10 FCC Rcd 8078 (1995); *Patterson, California*, 7 FCC Rcd 1719 (1992); *Keokuk and Washington, Iowa*, 6 FCC Rcd 364 (1991); *Weston and Webster Springs, West Virginia*, 5 FCC Rcd 1006 (1990); *Vancouver, Washington*, 6 FCC Rcd 1009 (1991); and *Corvallis, Oregon*, 4 FCC Rcd 839 (1989).


List ABCDE

proceeding, no other party filed comments, and thus, acceptance of Clear Channel's Comments will not have an adverse impact on any other proposal.

Accordingly, Clear Channel respectfully requests that the Commission accept its late filed Comments.

Respectfully submitted,

CLEAR CHANNEL BROADCASTING LICENSES, INC.

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Its Counsel

June 30, 2005

CERTIFICATE OF SERVICE

I, Giselle Abreu, in the law firm of Vinson & Elkins, do hereby certify that I have on this 30th day of June, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Motion**" to the following:

*Victoria M. McCauley
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



Giselle Abreu

* HAND DELIVERED